

Fluid Milk Provisions
Reauthorization 2004

PURPOSE:

To inform sponsors that effective July 1, 2005, there will be new provisions regarding fluid milk regulations.

SCOPE:

Sponsors of the National School Lunch Program.

DESCRIPTION:

Section 102 of the Child Nutrition and WIC Reauthorization Act of 2004 (Public Law 108-265) amended section 9(a)(2) of the Richard B. Russell National School Lunch Act (Russell) by removing (effective July 1, 2005) the requirement that schools participating in the National School Lunch Program (NSLP) offer students a variety of fluid milk consistent with prior year preferences. As amended, schools must offer fluid milk in a variety of fat contents and may offer flavored or unflavored milk and lactose-free fluid milk. This provision only applies to the NSLP as the School Breakfast Program and the Special Milk Program already have the flexibility to offer any type(s) of milk. The effective date allows school food authorities time to develop new procurement specifications for School Year 2005-06.

QUESTIONS AND ANSWERS:

Question: What does it mean to offer a “variety” of milk?

Answer: Section 9(a)(2) of the National School Lunch Act requires those lunches served by participating schools include fluid milk in a variety of fat contents. In accordance with the Dietary guidelines for Americans, school lunches must reflect a diet that is low in saturated fat and cholesterol and moderate in total fat. Accordingly, USDA encourages schools to offer children lowfat (1%) and fat-free milk, although other types of milk maybe offered.

Question: Are juvenile detention centers required to offer a variety of fluid milk?

Answer: Lunches served by schools and institutions that participate in the NSLP must include fluid milk in variety of fat contents. This requirement applies to residential child care institutions such as juvenile detention centers since they meet the definition of “school” under the NSLP regulations.

Question: What is “fluid milk”?

Answer: All milk served in the Child Nutrition Program must be pasteurized fluid milk which meets State and local standards for such milk. All milk must have vitamins A and D at levels specified by the Food and Drug Administration.

Source:

USDA, Food and Nutrition Policy Memorandum #04-32, Dated, September 23, 2004

USDA, Food and Nutrition Service, Questions and Answers Guidance, December 2004